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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,626	01/30/2004	Haruo Machida	03500.014456.1	5578
5514 7590 01/14/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MAUNG, ZARNI	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,626

Applicant(s)

MACHIDA, HARUO

Examiner

Zarni Maung

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This action is responsive to the supplemental preliminary amendment filed on May 4, 2004. Claims 1-26 have been canceled and claims 27-35 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Jalalian et al., U.S. Patent Number 5,548,722 (hereinafter Jalalian).

Jalalian discloses a system and method for choosing networked resources in a distributed computing environment. Taking claim 27 as an exemplary claim, Jalalian discloses a information processing apparatus (100) comprising: display means (220) for displaying a first device and a second device (274, 276); indication means for indicating the first device and the second device displayed by said display means (figure 2A Chooser); specifying means for specifying an image formation process to be executed by a set of the first device and the second device indicated by said indication means (see figures 2-5, col. 8, lines 56-65, col. 12, lines 30-65, col., 16, lines 30-51); and obtaining means for obtaining the number of executions of the image formation process specified by said specifying means (see figure 5, col. 8, lines 56-65, col. 12, lines 30-65, col., 16, lines 30-51).

As per claim 28, Jalalian discloses the apparatus according to claim 27, wherein said display means (220) displays the first device and the second device by using icons (274, 276), and said obtaining means obtains the number of executions of the image formation process specified by said specifying means, in response to that said indication means selects and indicates the first device and the second device (see figure 5, col. 8, lines 56-65, col. 12, lines 30-65, col., 16, lines 30-51).

As per claim 29, Jalalian discloses the apparatus according to claim 28, wherein in said indication means the first device and the second device are selected by executing a drag-and-drop process to the displayed icon (see fig. 5, col., 16, lines 30-51).

As per claim 30, Jalalian discloses the apparatus according to claim 27, wherein the first device is an image output device (Laser printer) , the second device is an image input device (printer), and the image formation process specified by said specifying means is an image copying process (see col. 16, lines 15-51).

As per claims 31-35, they do not teach or further define over the limitations recited in claims 27-30. Therefore, claims 31-35 are also rejected for the similar reasons set forth in claims 27-30, supra.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 8:30 to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, John Follansbee can be reached at (571) 272-3964. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

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Dulany St. Alexandria, VA 22314

Faxed to the Central Fax Office:

(571) 273-8300 (New Central Fax No.)

Or Telephone

(571) 272-2100 for TC 2100 Customer Service Office.


ZARNI MAUNG
PRIMARY EXAMINER